

## **NH Dredge Management Task Force Meeting Minutes – April 8, 2009**

**The meeting was held on Wednesday, April 8, 2009 from 1:00 PM to 3:00 PM at the Department of Environmental Services/New Hampshire Coastal Program Office, 50 International Drive, Pease Tradeport, Portsmouth, NH.**

### **Introductions/Announcements**

Chairman Chris Williams asked members to introduce themselves. The list of attendees follows.

#### **Attending members in alphabetical order:**

Tom Dobbins, Sprague Energy  
Olga Guza-Pabst, Environmental Protection Agency (EPA)  
Chuck Gilboy, Staff for Congresswoman Shea-Porter  
Richard Heidebrecht, Army Corps of Engineers (ACOE)  
Carol Henderson, NH Fish and Game Department (NHF&G)  
Richard Holt Jr., Portsmouth Pilots - Moran Towing Corp.  
Michael Johnson, National Marine Fisheries Service (NMFS)  
Eric Nestler, Normandeau Associates  
Ed O'Donnell, ACOE  
Cheri Patterson, NHF&G  
Frank Richardson, Department of Environmental Services (DES) Wetlands Bureau  
Michael Sills, DES Waste Management Division  
Carson Smith, Staff for Senator Jean Shaheen  
Chris Williams, Chairman, NH Coastal Program (NHCP)

#### **Guests:**

Carl Baxter, DES Waste Management Division  
Rich Faro, Public Service of New Hampshire (PSNH)  
Duncan Mellor, Waterfront Engineers, LLC  
Tara Olson, PSNH

#### **Staff:**

Mary Power, NHCP

### **Legislative Update**

Chairman Williams asked Carson Smith of Senator Shaheen's office to give the members an update on the news from the Senator's office. Mr. Smith stated that he didn't have information regarding specific projects, however, he anticipates receiving an update from the Senator's staff in Washington in the near future. He will provide pertinent information to the Task Force when he receives it. He continued by saying the Senator's Dover office is scheduled to open on April 24<sup>th</sup>. Chairman then asked Chuck Gilboy of Congresswoman Shea-Porter's office for a legislative update. Mr. Gilboy stated that he was attending the meeting to observe

and learn about dredging issues affecting the State of NH. He did not have specific information regarding dredging related legislation.

### **Implications of the Federal Stimulus Package (American Recovery and Reinvestment Act)**

Chairman asked Ed O'Donnell of the ACOE to speak about the Federal Stimulus Package and whether it contains funds for NH's tidal dredging projects. Mr. O'Donnell said the stimulus funds have not yet been released to the ACOE. This is due, in part, to the fact that decision makers cannot agree on a final list of projects to receive the stimulus funding. Chairman asked Mr. O'Donnell whether he knows approximately how much money will be available, regardless of how it is spent. Mr. O'Donnell stated that initial estimates were approximately \$27 million for dredging projects, however, that amount has been reduced. He's not certain of the total amount available. Mike Johnson of NMFS said that his agency has been asked to track which "stimulus" projects have been subject to NMFS consultation. He asked if a procedure could be established during the consultation process to identify those projects that are receiving stimulus funds. Mr. O'Donnell stated that the consultation process has already been completed for the types of projects that are eligible for stimulus funds. He added that if a project receiving stimulus funds requires further consultation, the ACOE would likely coordinate the effort through the Task Force. Chairman stated that stimulus funds are intended for projects that are "shovel-ready." Currently, the Cocheco River maintenance dredging project is NH's only shovel-ready tidal dredging project. Mr. O'Donnell agreed.

### **NH's Fiscal Year 2010 Tidal Dredging & Dredge Material Management Priorities**

Chairman Williams stated that NHCP staff met with the staff from the Pease Development Authority-Division of Ports and Harbors (PDA-DPH), the ACOE and the Congressional delegation in mid February to discuss the state's fiscal year (FY) 2010 priorities for dredging projects. Based on that meeting, the state developed a list of priority projects that is similar to last year's list. The list was prioritized per the request of the Congressional delegation. The following is the list of projects in order of priority with requested funding amounts: 1) Piscataqua River Simplex Shoal Maintenance Dredging, \$1 million to administer a construction contract and to initiate and complete project construction; 2) Regional Dredge Material Management Plan, \$300,000; 3) Hampton Harbor Section 107 Feasibility Study, Design & Construction, \$1.6M for inner harbor improvements plus an additional \$130,000 to maintain the entrance channel; 4) Piscataqua River Turning Basin Improvement Study and Design, \$303,000 to initiate and complete the design phase of the project; and 5) Sagamore Creek and Portsmouth Back Channels Maintenance Dredging, \$150,000 to complete project related environmental coordination, finalize the environmental assessment, and initiate and complete detailed plans and specifications. Therefore, the state's total FY 2010 appropriation request is approximately \$3.4 million.

Mr. Gilboy asked if the monies requested for the Hampton Harbor project would be used to provide access for commercial vessels. Chairman stated that the entrance channel is currently maintained by the ACOE, while the channel and anchorages, in both Hampton and Seabrook, landward (west) of the Route 1A Bridge are currently maintained by the state. At the request of the state, the ACOE, through the Section 107 process, is in the process of determining the feasibility of assuming responsibility for dredging the channel and commercial anchorages west of the Route 1A Bridge. The commercial fishing fleet in Hampton and Seabrook will be the primary beneficiaries of the project. The project does not involve dredging the existing recreational anchorage in Hampton.

## **Project Updates:**

■ *Piscataqua River Turning Basin Feasibility Study* - Chairman asked Dick Heidebrecht of ACOE to provide an update on the project. Mr. Heidebrecht stated that the Feasibility Study is scheduled to be completed in December 2009 or January 2010. He continued by saying that there is some acoustic Doppler profiling of the area that remains to be completed. Chairman stated that Matt Leahy of Senator Gregg's office has reported that \$78,000 to complete the feasibility study was included in the omnibus appropriation bill that passed Congress in early March. Chairman then asked Mr. Heidebrecht about the ACOE's recently issued DRAFT suitability determination that describes the nature and volume of material to be generated by the project and potential disposal alternatives. Mr. Heidebrecht stated that the majority of the material from the project is sand and gravel with some rock. He continued by saying there is some silty material within the 1,150-foot alternative that may have to be disposed of at an upland location. Chairman stated that the disposal alternatives discussed in the suitability determination, include, in part, the Cape Arundel Disposal Site (CADS) and the Isles of Shoals Disposal Site. He stated that both should be eliminated as alternatives because neither is practicable. Specifically, CADS is scheduled to close in January 2010, which is at least two years before project construction will begin, while the Isles of Shoals Disposal Site, which hasn't been used since the early 1970s, is closed. He continued by saying that while subtidal disposal of the material off the beach at Wallis Sands State Park may be a practicable alternative, the suitability determination should review other disposal locations in New Hampshire and Maine, particularly since the project will take place in Maine waters. Beach nourishment at other locations in New Hampshire and at any one of the number of beaches from Kittery to Wells may be practicable. It would certainly reduce costs associated with transporting the material to CADS. Discussion followed. Mike Johnson of NMFS asked about the method of removing the rocky material. Mr. Heidebrecht stated that the rock is rather soft and partially cracked so it may be able to be moved by ripping it as opposed to blasting it. Mr. Johnson requested that Mr. Heidebrecht provide information regarding the method of rock removal to NMFS prior to the federal agency consultation process. Discussion followed.

■ *Cocheco River Maintenance Dredge* – Chairman asked Ed O'Donnell to provide an update on the project. Mr. O'Donnell stated that there were no funds provided for the project in the FY 2009 budget, nor are there any funds proposed for the project in the FY 2010 budget. If additional funds are not made available, the ACOE will use the \$1.8 million currently available to settle up with the City of Dover for closure of the disposal facility. He stated that if additional monies were made available to complete the remaining dredging, it would be difficult to complete the project if the disposal facility were closed. Mike Sills of the DES Waste Management Division stated that the City wants to close the disposal facility because the leachate from the facility is piped to the City's sewage treatment plant at a cost of approximately \$60,000 per year. Richard Holt Jr. of Portsmouth Pilots asked how much of the channel remained to be dredged. Mr. O'Donnell stated approximately 30,000 to 40,000 cubic yards of material remains to be dredged. Discussion followed.

■ *Hampton Section 107 Feasibility Study Report* - Dick Heidebrecht stated that the ACOE's Draft feasibility study report, which recommends extending the channel into Hampton and Seabrook Harbors, is complete and internal review within the ACOE is nearly finished. Once internal ACOE review is completed, the report will be sent to ACOE headquarters for approval and subsequent public release. This should occur in early May. After public review, the ACOE will secure all necessary permits prior to construction. The cost of construction is estimated at approximately \$1.6 million. Mr. Heidebrecht stated that the ACOE currently has the necessary funds to initiate and complete detailed plans and specifications.

■ *Sagamore Creek Maintenance Dredge* - Ed O'Donnell stated that the ACOE is ready to begin the coordination process. Mike Walsh, the project manager, will begin developing coordination letters in the near future. Mr. O'Donnell said that unless the budgeting process changes dramatically, the project will likely require funding through the appropriation process. Chairman reminded members that the project was listed as a priority in the state's FY 2010 appropriations request letter. Chairman stated that Mike Walsh estimates that \$150,000 is needed to finish the environmental coordination process and develop plans and specifications, while \$650,000 is needed for construction. Mr. O'Donnell stated that accessing the site may be problematic due to the height of the Route 1B Bridge. Chairman asked if the ACOE coordinates with DRED to ensure that there is a need for the material proposed to be placed off the beach at Wallis Sands State Park. Mr. O'Donnell stated that the ACOE would expect that the NHCP would coordinate this with DRED.

■ *Piscataqua River "Simplex Shoal" Maintenance Dredge* - Ed O'Donnell stated that once Bill Kavanaugh, the project manager, completes the project he is currently working on he'll begin the environmental coordination process for the Simplex project. The coordination process, which will involve the state of Maine, should begin in the next few months. Chairman asked if the ACOE was currently in a position to use the \$1 million requested by the state in its FY 2010 appropriation request letter should it become available. Mr. O'Donnell stated that it would depend upon how long it takes to complete the coordination process. Mr. O'Donnell reminded members that the issue of in-river disposal significantly slowed the process the last time the shoal was dredged. He stated that he hopes the coordination that has already taken place has resolved many of the outstanding in-river disposal issues. Chairman stated that in-river disposal discussions between the ACOE, NH Fish & Game Department (NHFG), NHCP and NMFS will continue.

■ *Public Service of New Hampshire, Schiller Station Bedrock Removal and Maintenance Dredging.* Chairman introduced Duncan Mellor of Waterfront Engineers, LLC, and Tara Olson and Rich Faro of Public Service of New Hampshire (PSNH). Chairman continued by saying that PSNH received an emergency authorization from the DES Wetlands Bureau to dredge around an existing dock on the Piscataqua River. As a condition of that authorization, PSNH was required to submit an after-the-fact application to the DES Wetlands Bureau and present the information contained in the application to the Task Force. Duncan Mellor stated that the work was authorized for the 2008-2009 dredging window. He then gave a brief PowerPoint presentation detailing the project. After the presentation, Chairman asked why PSNH was granted a 15-day extension of the March 15<sup>th</sup> dredge window deadline. Ms. Olson stated that PSNH requested the extension because they found a discrepancy in their data and needed two extra weeks to complete the work they had planned. She said that PSNH is currently reviewing the post-construction surveys to determine if they'll need to apply for an additional permit or for an extension of the current permit to complete the work during the 2009-2010 dredge window. Discussion followed regarding the appropriateness of adhering to the dredge window when removing only rock (as opposed to finer grained material). Olga Guza of EPA, asked what PSNH planned to do with the rock removed from the river. Ms. Olson stated that the rock will be crushed and placed in a vacant area on PSNH property located outside of the Shoreland Protection area.

## **Other Business:**

### ■ *Dredge Windows (a.k.a. Time of Year Restrictions) – Development of a NH-specific List of Species and Potential Impacts to Inform Regional Dredge Windows Discussion.* -

Chairman informed members that the New England Regional Dredging Team (a.k.a. Sudbury Group), which is comprised of state and federal resource agency staff representing five New England states and New York, is reviewing the issue of dredge windows. Specifically, it is looking at similarities and differences between how each state deals with dredge windows to see if they can develop an approach that might be applied regionally. He stated that the Sudbury Group, which meets quarterly, has devoted time at its last two meetings to discuss dredge windows. At the last Sudbury Group meeting in February, state task dredging teams were tasked with identifying species of concern, the potential impacts of dredging to those species, and how each state implements its dredge window. He continued by stating that this exercise is not meant to manipulate New Hampshire's dredge window but simply to provide information to the Sudbury Group. Chairman then stated that he had hoped to receive a matrix created by the Massachusetts Division of Marine Fisheries that lists species type and potential dredging impacts to those species to help inform today's dredge windows discussion. Chairman stated, however, that he had not yet received the matrix. Olga Guza of EPA stated that she had a copy of the Massachusetts document and would forward it to the Chairman.

Chairman then suggested creating a subcommittee to address the dredge windows questions raised by the Sudbury Group. Chairman recommended that the subcommittee meet prior to the next Sudbury Group meeting in May or June. Chairman encouraged members interested in the topic of dredge windows to participate in the subcommittee. He stated that he would email Task Force members with a proposed date, time and location of the subcommittee meeting. Discussion followed.

Frank Richardson of the DES Wetlands Bureau stated that there is a significant amount of background information regarding seasonal restrictions (dredge windows) that was compiled years ago by NMFS. He suggested that in addition to reviewing that information, new protocols need to be established to accommodate potential modifications of the dredge window when they are reasonable and well thought out. Chairman stated that other states are looking beyond single dredge windows to water-body specific windows and species-specific windows. Mike Johnson of NMFS reminded members that in the absence of sufficient site/species-specific information, NMFS will continue to take a risk avoidance approach when applying dredge windows.

■ *Other Items* - Chairman asked if there were other items for discussion. No other items were raised.

■ *Schedule Next DMTF Meeting* – Based on member input, Chairman scheduled the next meeting for Wednesday July 15, 2009 at 1:30 PM. He also reminded members that he would send an email regarding the dredge windows subcommittee referenced above.

Meeting adjourned at 3:15 PM.